

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

UNITED STATES OF AMERICA,

vs.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 23-80101-CR
CANNON/REINHART

PRESIDENT DONALD J. TRUMP'S NOTICE OF SUPPLEMENTAL AUTHORITY

President Trump respectfully submits this Local Rule 7.8 Notice regarding the impact of *Trump v. United States* on pending motions relating to Presidential immunity and the Appointments and Appropriations Clauses.

Trump guts the Office's position that President Trump has “no immunity” and further demonstrates the politically-motivated nature of their contention that the motion is “frivolous.” ECF No. 376 at 6, 20. *Trump* also confirms that the Office cannot rely on “official acts” evidence in this case. 2024 WL 3237603, at *19; ECF No. 324 at 16-18. By separate motion, we seek leave to submit supplemental briefing on these threshold issues.

Justice Thomas's concurrence in *Trump* adds force to the motions relating to the Appointments and Appropriations Clauses. Justice Thomas cited Justice Scalia's *Morrison* dissent, which is consistent with Justice Kavanaugh's comment at oral argument in *Trump* that *Morrison* was “one of the Court’s biggest mistakes.” 4/25/24 Tr. 142:12-14. Highlighting grave separation-of-powers concerns, Justice Thomas suggested that 28 U.S.C. §§ 515 and 533 do not establish “by Law” Jack Smith’s position under the Appointments Clause. By extension, these statutes are not “other law” under the relevant appropriation, and these “essential questions” should be addressed “before proceeding.” 2024 WL 3237603, at *25.

Dated: July 5, 2024

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I hereby certify that on July 3, 2024, counsel for President Trump and the Special Counsel's Office conferred in good faith regarding this Local Rule 7.8 Notice and the related motion for supplemental briefing regarding Presidential immunity in light of *Trump v. United States*. The Special Counsel's Office does not object to the filing of this Notice and plans to submit a response pursuant to Local Rule 7.8.

/s/ *Kendra L. Wharton*
Kendra L. Wharton

CERTIFICATE OF SERVICE

I, Kendra L. Wharton, certify that on July 5, 2024, I electronically filed the foregoing document with the Clerk of Court using CM/ECF.

/s/ Kendra L. Wharton
Kendra L. Wharton